

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LORENZO WOOD,

Plaintiff,

v.

9:21-CV-0107
(GTS/ML)

DANIELLE DILL; DEBORAH McCULLOCH;
JEFFREY NOWICKI; ERICA SAXTON;
GRACE SAXE; and PROVOW,

Defendants.

APPEARANCES:

OF COUNSEL:

LORENZO WOOD

Plaintiff, *Pro Se*

1302 Lower Broadway, Apt. D8
Schenectady, New York 12303

HON. LETITIA A. JAMES

Attorney General for the State of New York

Counsel for Defendants

The Capitol

Albany, New York 12224

STEVE NGUYEN, ESQ.

Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Lorenzo Wood (“Plaintiff”) against the above-captioned employees at the Central New York Psychiatric Center (“Defendants”), are Defendants’ motion for summary judgment, and United States Magistrate Judge Miroslav Lovric’s Report-Recommendation recommending that Defendants’ motion be granted in part and denied in part. (Dkt. Nos. 31, 43.) The parties have not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See*

generally, Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Lovric's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Lovric employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 43) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 31) is **GRANTED in part** and **DENIED in part**, in the following respects:

(1) Plaintiff's claims against Defendants Dill, McCulloch, Nowicki, Saxton, and Saxe are **DISMISSED** in their entirety, and these Defendants are terminated from this action; and

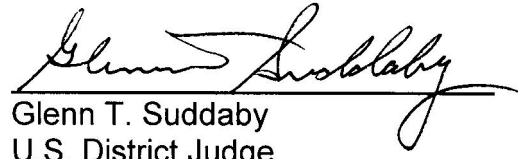
(2) Plaintiff's medical indifference claim against Defendant Provow regarding a cushioned chair accommodation is **DISMISSED**; and

(3) Plaintiff's medical indifference claim against Defendant Provow regarding a mattress accommodation **SURVIVES** Defendants' motion for summary judgment; and it is further

ORDERED that this case is referred back to Magistrate Judge Lovric.

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a "clear error" review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

Dated: January 23, 2023
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge